

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK (ROCHESTER)**

LINDA LENZI,

Plaintiff,

v.

L.L. BEAN, INC.,

Defendant.

Case No. 6:23-cv-06117-FPG

JUDGE FRANK P. GERACI, JR.

**DECLARATION OF MEEGAN BROOKS IN SUPPORT OF
DEFENDANT L.L.BEAN, INC.’S MOTION TO DISMISS**

I, Meegan Brooks, declare under penalty of perjury:

1. I am a Partner at Benesch Law and I serve as outside counsel for L.L.Bean.
2. This declaration is based on my personal knowledge.
3. On April 26, 2023, I asked Plaintiff’s counsel, via email, to provide proof that Plaintiff bought the Women’s Storm Chaser Boots 5, Zip (the “Boots”) as she alleged in the Complaint, because “LLB hasn’t been able to locate Plaintiff’s purchase.”
4. Plaintiff’s counsel did not respond to this request.
5. I sent another email to Plaintiff’s counsel on May 4, 2023, again requesting Plaintiff’s proof of purchase. My email explained that whether Plaintiff actually made the purchase at issue was a “threshold issue for us.”
6. Plaintiff’s counsel declined to provide the requested proof of purchase, or any additional information about Plaintiff’s alleged purchase.

7. On May 8, 2023, I wrote a third email to Plaintiff's counsel, renewing my "simple request for confirmation that Plaintiff made a purchase." My email stated, *inter alia*, "we've asked several times, and your resistance to providing such basic information is alarming, since it suggests you may not have the basis for the allegations in the Complaint."

8. Plaintiff's counsel again declined to provide the requested information.

9. To this date, we have not received any proof of Plaintiff's purchase, or any additional information about Plaintiff's alleged purchase. Moreover, Plaintiff's counsel has not indicated to us that they have seen a receipt, credit card statement, or any other proof of the alleged purchase.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 15, 2023


By: _____
Meegan Brooks
Partner, Benesch Law
Counsel for L.L.Bean